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January 16, 2015

VIA FACSIMILE

Hon. George B. Daniels
 United States District Judge
 United States District Court for the Southern District of New York
 500 Pearl Street
 New York, NY 10007-1312

Re: *Sokolow v. Palestine Liberation Organization et al.*, 04-CV-397 (GBD) (RLE)

Dear Judge Daniels,

Defendants object to the following trial exhibits (which include video clips proffered in DE 737), which Plaintiffs have indicated they intend to use with their witness Alon Eviatar on Friday, January 16:

PTE	Description	Date	Defendants' Objections	Not Disclosed in Report
197, clip 7	Purports to be video clip from Abu Dhabi television airing telephone interview with Marwan Barghouti, as "Secretary of Fatah in the West Bank"	1/14/2002	Not a party admission; lack of foundation; authenticity. Marwan Barghouti is not speaking as a PA or PLO official. Plaintiffs have no foundation for their claim that it is admissible as a statement of a co-conspirator. <i>See</i> DE 737 at 2.	X
219	Video clip Plaintiffs characterize as an Al Jazeera broadcast of Mohammed Dahlan.	Undated	Not a party admission; lack of foundation; authenticity. Plaintiffs claim it is a party admission but there is no evidence Dahlan was making the statement as a PA or PLO official, or even was employed by the PA or PLO at the time of the statement.	X



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228, clip 1	BBC: "Arafat Investigated" clip of Arafat	Undated	Not a party admission; lack of foundation; authenticity. Shows a crowd chanting; no statement from Arafat.	X
228, clip 3	BBC, "Arafat Investigated"	Undated	Not a party admission; lack of foundation; authenticity. Declarant is, per Plaintiffs, "Fatah chief, Ata Abu Rumeilah." Not a party admission. Plaintiffs have no basis for their claim that it is admissible as a statement of a co-conspirator. <i>See</i> DE 737 at 3.	X
228, Clip 5	BBC, "Arafat Investigated"	Undated	Not a party admission; lack of foundation; authenticity. Declarant is, per Plaintiffs, "AAMB leader Zakaria Zbedi." Plaintiffs have no basis for their claim that it is admissible as a statement of a co-conspirator. DE 737 at 3.	X
235	Palestinian Media Watch clip purporting to be Mohamad Dahlan interview on Al Arabiya TV	6/16/2007	Not a party admission; lack of foundation; authenticity. Plaintiffs describe Dahlan as a "former PA security chief and Fatah leader." DE 737 at 4.	
239, Clip 2	Unidentified Arafat video	Unknown	Lack of foundation; authenticity; more prejudicial than probative. The clip provides no context. Arafat is asked if he is in control, and he says "[o]f course."	X



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276	Website listing Palestinian Police members being held in Israeli Occupation forces prisons and detention centers	11/21/2012	Irrelevant; more prejudicial than probative; Plaintiffs are offering it to suggest that all police officers detained by Israelis engaged in terrorism.	
497	Marwan Barghouti, Washington Post editorial	1/16/02	No foundation; not a party admission; hearsay.	X
498	Haaretz.com article entitled "Grilling of top Palestinian militant exposes Arafat's link to terror attacks on Israelis, papers show"	4/20/2012	News report on transcripts of Shin Bet interrogations of Marwan Barghouti. Multiple levels of hearsay.	
539	Israeli Ministry of Foreign Affairs Report	5/6/2002	Not admissible under public records exception; the Court excluded on 1/12/15 except as to seized documents themselves if the foundation can be laid that they were seized.	X
623	Reuters, "Al Aqsa Brigades Shrugs Off U.S. 'Terrorism' Label"	3/22/??	Not a party admission; lack of foundation; authenticity. Purports to quote "Nasser Awais, a commander of the al-Aqsa Martyrs Brigades."	X
626	"Arafat's and the PA's Involvement in Terrorism (According to Captured Documents)"	4/22/02	Not admissible under 803(8)(b) because circumstances indicate lack of trustworthiness; captured documents are not reproduced in their entirety and include IDF commentary embedded within purported reproduction. IDF prejudicial conclusions as to ultimate issues that are not supported by the documents. IDF propaganda.	X



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628	World Bank: West Bank and Gaza Public Expenditure Review	March 2007	198-page 2007 World Bank Report, which Plaintiffs likely are offering as critique of martyr and prisoner payments. More prejudicial than probative. Not about time period relevant to lawsuit. Acknowledges that “[v]ery little is known about the operation of the [‘Martyrs’] Fund.” PTE 628 at 170.	X
631	“Palestinian Authority Captured Documents –Main Implications”	4/7/02	Not admissible under 803(8)(b) because circumstances indicate lack of trustworthiness; describes Arafat as a “leader of a terrorist gang;” conclusions that “large sums of money are transferred on a monthly basis in order to finance terrorist infrastructures” are not supported by few captured documents included in report. IDF propaganda.	X
727	Plaintiffs describe video clip as PA TV Broadcast, “Personal Encounter” with Mohamed Dahlan	9/28/2010	Not admissible as statement of party opponent; lack of foundation; authenticity. Plaintiffs describe Dahlan as “former PA security official and Fatah leader.” DE 737 at 4-5.	X
826	“Jenin – the Capital of the Palestinian Suicide Terrorists”	4/18/02	Not admissible under 803(8)(b) because circumstances indicate lack of trustworthiness; lack of foundation; authenticity. The first two pages do not belong with rest of document. Irrelevant. The documents in the report are not probative of any PA or PLO liability.	X



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829	"The 'Al Aqsa Martyrs Brigades' (on US State Department list of terror organizations) and the Fatah Organization are one and the same, and Yasser Arafat is their leader and commander"	5/3/02	Lack of foundation; authenticity; first page highly prejudicial; not admissible under 803(8)(b) because circumstances indicate lack of trustworthiness. Israeli Government propaganda.	X
830	"The Palestinian Authority Employs Fatah Activists Involved in Terrorism and Suicide Attacks"	None	Lack of foundation; authenticity; not admissible under 803(8) because no evidence of who prepared it. Even assuming it was prepared by the IDF, it lacks indicia of trustworthiness under 803(8)(b). Front page highly prejudicial.	X
831	Purports to be GIS file	2/6/2002	Lack of foundation; authenticity; Defendants did not produce it.	X
929	Plaintiff describe it as an Al-Jazeera TV broadcast of an interview with Mamdouh Noufal	9/28/05	Lack of foundation; authenticity. Plaintiffs describe declarant Noufal as "Arafat's senior advisor." DE 737 at 5. Arafat was dead at the time of the statement. There is no evidence that Noufal was speaking on behalf of the PA or PLO. Not a party admission.	X
1052	PLO-UK website on Fatah	2/18/14	Irrelevant; dated 10 years after events giving rise to lawsuit; not admissible as an opposing party's statement; no foundation for authorization to speak on Fatah-AAMB relationship; not speaking on a matter within the scope of his PLO employment.	X
1129	Arafat photo with big gun	Unknown	More prejudicial than probative.	



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Sincerely,

A handwritten signature in cursive script that reads "Laura G. Ferguson".

Laura G. Ferguson

cc: All ECF Counsel